

FILED
Clerk
District Court

SEP - 5 2008

For The Northern Mariana Islands
By _____
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

IOTA PARTNERS, LTD.,)	Civil No. 07-0015
)	
Plaintiff)	
)	
v.)	CASE MANAGEMENT ORDER
)	
SMITHBRIDGE GUAM, INC.,)	
)	
Defendant)	
_____)	

In accordance with Federal Rule of Civil Procedure 16 and Local Rule 16.2CJ,
a Case Management Conference is hereby set for **September 26, 2008, at 8:30 a.m.**

1 The parties shall be prepared to discuss:

- 2 (a) Service of process on parties not yet served;
- 3 (b) Jurisdiction and venue;
- 4 (c) Track assignment;
- 5 (d) Anticipated motions;
- 6 (e) Anticipated or remaining discovery, including (1) limitation on discovery,
- 7 (2) and provisions for disclosure or discovery of electronically stored
- 8 information; and, (3) any agreements the parties reach for asserting claims of
- 9 privilege or of protection as trial-preparation material after production;
- 10 (f) Further proceedings, including setting dates for discovery cut-off, pretrial
- 11 and trial;
- 12 (g) Appropriateness of special procedures such as consolidation of actions
- 13 for discovery or pretrial, reference to a master or to arbitration, or to the
- 14 Judicial Panel on Multi-district Litigation, or application of the Manual
- 15 for Complex Litigation;
- 16 (h) Modifications of the standard pretrial procedures specified by this Plan
- 17 on account of the relative simplicity or complexity of the action or
- 18 proceeding;
- 19 (i) Settlement prospects;
- 20 (j) Any other matter which may be conducive to the just, efficient, and
- 21 economical determination of the proceedings, including the definition or
- 22 limitation of issues; and,
- 23 (k) Setting of dates for:
 - 24 1. Joinder of all parties,
 - 25 2. Motions to amend,
 - 26 3. Discovery cut-off,
 - 4 Status Conferences,
 - 5 Discovery motion hearing date,
 - 6 Dispositive motion cut-off,
 - 7 Dispositive motion hearing date,
 - 8 Settlement conference,
 - 9 Joint pretrial order,
 - 10 Final pretrial order,
 - 11 Trial.

12 The Court recommends that this case be assigned to the **Standard** track as

13 defined by Local Rule 16.2CJ.c.

1 The parties are reminded that the dates chosen at the conference will not be
2 susceptible to subsequent easy change. Fed.R.Civ.P. 16(b)(6) provides in part that a
3 case management scheduling order “shall not be modified except upon a showing of
4 good cause and by leave of the district judge[.]” To establish good cause, a party
5 must generally show that even with the exercise of due diligence it cannot meet the
6 order’s timetable. *See e.g. Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609
7 (9th Cir. 1992). The liberal amendment policy of Fed.R.Civ.P. 15 no longer obtains
8 once the case management scheduling order has been entered. *See Coleman v.*
9 *Quaker Oats Co.*, 232 F.3d 1271, 1294 (9th Cir. 2000).

10 DATED this 5th day of September, 2008.

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18 ALEX R. MUNSON

19 Judge
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